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Dr.D.Mohana Rao.

And

.Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.3896 of 2007

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ORDER:

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The petitioner is a resident of Srikakulam. His name was included at Serial No.925, in the voters' list of Srikakulam-Vizianagaram-Visakhapatnam-Graduate Constituencies in Polling Station No.46, in the year 2004. However, in the revision of voters' list for the subsequent years, his name did not find place. The petitioner intended to file nomination to the on going elections to the A.P. Legislative Council, to be elected as Member from Graduates' Constituency of Srikakulam, Vizianagaram and Visakhapatnam Districts. Since his name did not appear in the voters' list, he filed this writ petition seeking a direction to the respondents to consider his request for restoration/inclusion of his name in the electoral rolls of the year 2005-06.

Smt. P.Rajani Reddy, learned counsel for the petitioner, submits that the name of her client was removed from the electoral roll of the Assembly Constituency, without any basis, and though he had made several representations, his name was not included. She contends that the respondents are citing Circular, dated 15.02.2007, issued by the Election Commissioner and it, in fact, does not come in the way of the inclusion of the name of the petitioner in the list.

Learned Government Pleader for General Administration submits that the petitioner did not take any steps, to get his name included in the electoral roll of the concerned assembly constituency and the possibility to include the name exists, only till the last date of filing of nominations. He contends that since the said date had expired, no relief can be granted to the petitioner.

The reasons, on account of which, the name of the petitioner was deleted from the electoral roll of Assembly Constituency, subsequent to the year 2004, are not before this Court. If the petitioner was of the view that the exclusion of his name is without any basis, he ought to have taken immediate steps, provided for under the Representation of Peoples Act, 1950 and the Rules made thereunder. Section 23 thereof permits inclusion of the names, till the last date of filing of nominations. The Writ Petition is filed on 27.02.2007, by which time, the last date of filing of nominations had expired. Therefore, no relief can be granted to the petitioner.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

27.02.2007

GJ